

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
Charles Edward O'Neil ) Case No: 5:00CR47-5  
Date of Previous Judgment: 11/15/01 ) USM No: 16380-058  
(Use Date of Last Amended Judgment if Applicable) ) Steven T. Meier  
Defendant's Attorney )

## **Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

**Previous Offense Level:** \_\_\_\_\_ **Amended Offense Level:** \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain): Since the defendant was only held responsible for cocaine powder, he is not eligible for a sentence reduction.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 11/15/01 shall remain in effect.

## **IT IS SO ORDERED.**

Order Date: March 4, 2010

Effective Date: March 4, 2010  
(if different from order date)

Richard L. Voorhees

Richard L. Voorhees  
United States District Judge

